

STATE OF MICHIGAN  
COURT OF APPEALS

---

GRAND BLANC GOLF & COUNTRY CLUB,  
  
Plaintiff-Appellant/Cross-Appellee,

UNPUBLISHED  
January 17, 2006

v

CITY OF GRAND BLANC,

Defendant-Appellee/Cross-  
Appellant.

---

No. 256137  
Genesee Circuit Court  
LC No. 03-076764-CC

Before: Donofrio, P.J., and Borrello and Davis, JJ.

MEMORANDUM.

In this zoning case, plaintiff appeals as of right an order granting summary disposition to defendant under MCR 2.116(C)(4). We affirm.

We agree with defendant that it was entitled to summary disposition because plaintiff did not exhaust its administrative remedies by seeking a variance from the zoning regulation at issue. Whether a trial court has subject-matter jurisdiction is a question of law that this Court reviews de novo. *Etefia v Credit Technologies, Inc*, 245 Mich App 466, 472; 628 NW2d 577 (2001). “Summary disposition for lack of jurisdiction under MCR 2.116(C)(4) is proper when the plaintiff has failed to exhaust its administrative remedies.” *Citizens for Common Sense in Gov’t v Attorney General*, 243 Mich App 43, 50; 620 NW2d 546 (2000). A court cannot determine the constitutionality of a land-use regulation until the plaintiff has met the finality requirement. Because plaintiff did not seek a variance from the zoning regulation at issue, it did not meet the finality requirement. *Paragon Properties v Novi*, 452 Mich 568, 580; 550 NW2d 772 (1996). Thus, defendant was entitled to summary disposition based on plaintiff’s failure to exhaust its administrative remedies. In light of this analysis, we need not reach the remaining issues raised by defendant.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Stephen L. Borrello  
/s/ Alton T. Davis